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The Municipal Guide to Local Cultural Councils:

A Primer for Local Government Officials

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The Municipal Guide to Local Cultural Councils:

A Primer for Local Government Officials

MASSACHUSETTS CULTURAL COUNCIL

A state agency that supports public programs in the arts, humanities, and sciences

A publicotion of the Mossochusetts Cultural Council in cooperotion with the Arts Extension Service, Division of Continuing Educotion, University of Massachusetts ot Amherst

The mission of the Mossochusetts Cultural Council (MCC) is to promote excellence, access, educotion, ond diversity in the orts, humonities, ond interpretive sciences in order to improve the quolity of life for oll Mossochusetts residents ond contribute to the economic vitality of our communities.

As o stote ogency, the MCC receives an annual appropriation from the Commanweolth, as well as support from the Notionol Endowment for the Arts, o federol ogency. In oddition, the MCC seeks other public and private funding for special initiatives.

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The Municipal Guide to Local Cultural Councils:

A Primer for Local Government Officials

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About This Booklet

Through a unique partnership between the Massachusetts Cultural Council and municipalities, the Commonwealth of Massachusetts has a network of local cultural councils that is unmatched anywhere in the United States. A local cultural council (LCC) exists in nearly every city and town in Massachusetts...including yours!

This booklet is meant to orient municipal officials to the Local Cultural Council Program (formerly called the Arts Lottery Program) and how to work most effectively with your own LCC. It provides a handy reference about responsibilities, procedures, and policies relevant to municipal government's role in helping to achieve the goals of the Local Cultural Council Program.

As you review this booklet you will find pictures and stories illustrating the range of community projects supported by local cultural councils throughout Massachusetts.

LOCAL CULTURAL COUNCILS:
Benefiting the Commonwealth's Communities

Did you know that...
...the funds received by your local cultural council can:

- support festivals and cultural events which attract visitors to your community and contribute to the local economy.
- enhance arts education in local schools.
- offer environmental education programs for families.
- preserve historic town documents and landmarks.
- enable artists and other creative individuals to implement unique projects for the community.
- leverage other funding through local businesses, individual contributors, private funders, and public sources.

...there are 2,700 volunteer members on 336 local and regional councils representing 349 Massachusetts cities and towns.

...Local cultural councils represent a decentralized funding system that brought a total of over $3.8 million public dollars to nearly every city and town in the Commonwealth in FY96.

...a majority of local cultural council funds are granted to support education-related activities. Through the PASS Program in particular, local cultural councils provide opportunities for school children to make field trips to arts, humanities, and interpretive science destinations across the state.

...In 1996, a total of 10,290 funding applications were submitted to local cultural councils statewide totaling nearly $8.5 million in requests. There were 6,509 grants awarded totaling over $3.8 million.

...the not-for-profit cultural industry, including local cultural council activity, annually generates about $1.5 billion dollars in economic impact in Massachusetts.

...it's easy for municipal government to be an effective partner with your local cultural council and to share in the benefits of this successful program.

120 Boylston Street
Boston, MA 02116-4600
617.727.3668
800.232.0960 Toll Free
617.338.9153 TTY
617.727.0044 Fax

Dear Local Official:

We in Massachusetts are fortunate to have such vibrant and varied cultural opportunities. An important resource for fostering these activities is the Massachusetts Cultural Council's Local Cultural Council Program. It provides public funding to support community programs in the arts, humanities, and sciences through 336 local and regional councils serving 349 cities and towns.

As partners with us in administering the Local Cultural Council Program in your community, you are invaluable in ensuring its smooth operation. This *Municipal Guide to Local Cultural Councils* is intended to help you better understand the program and how you can work with your local council to contribute to your community's quality of life.

The Massachusetts Cultural Council is a state agency that was created in 1990 from the merger of two former agencies: the Massachusetts Arts Lottery Council and the Massachusetts Council on the Arts and Humanities. Our mission is to promote excellence, access, education, and diversity in the arts, humanities, and interpretive sciences in order to improve the quality of life for all Massachusetts residents and to contribute to the economic vitality of our communities.

We are pleased to offer you this resource and hope that you find it helpful. Please do not hesitate to contact us if you need assistance. Thank you for giving support to the local volunteers in your community who manage the local grant process.

Sincerely,

Mary Kelley
Executive Director

A STATE AGENCY SUPPORTING THE ARTS, HUMANITIES & SCIENCES

Massachusetts Municipal Association
Sixty Temple Place (800) 882-1498
Boston, Massachusetts 02111 (617) 426-7272 FAX (617) 695-1314

Dear Local Official:

Greetings!

Local cultural councils are a vital component of community life in Massachusetts, providing over $3.8 million per year in direct community arts, sciences and humanities programs, and serving as a priceless barometer for community cultural values. The 336 local cultural councils need a strong level of support from their host cities and towns and the commonwealth to continue to prosper in the years ahead.

This support can best occur if local officials are appropriately informed about how local cultural councils work. This *Guide* is designed to do just that. In a format that is easy to read, it serves as a reference manual for all local officials—accountants, treasurers, appointing authorities and governing bodies—to understand the goals and mechanics of local cultural council operations. This publication was prepared by local officials and public arts administrators who know how state and local government works here in Massachusetts. As a local government official, you have a vested interest in the success of your community's cultural council, and we hope this *Guide* will be helpful.

The Massachusetts Municipal Association (MMA) was founded in 1979 to serve as the collective voice of cities and towns in advocating for the needs of cities and towns, and to improve the effectiveness of local government. Almost all of local government is about delivering essential services—direct services to residents, programs that are necessary in order to offer people the basic elements of a high quality of life in a modern society. And everyone agrees that education and culture are essential building blocks to the quality of life in every community.

As the executive director of an organization devoted to serving the needs of our cities and towns, and committed to providing you with the tools to build and nurture a full range of community programs, I highly recommend *The Municipal Guide to Local Cultural Councils* and encourage you to use it to benefit the citizens of your community.

Sincerely,

Geoff Beckwith
Executive Director
Massachusetts Municipal Association

Program Overview

What is the Local Cultural Council Program?

Through the Local Cultural Council Program, the Massachusetts Cultural Council (MCC) distributes funds to local and regional[1] cultural councils (LCCs) throughout the state. LCCs, in turn, "regrant" funds to individuals and organizations in their own communities; that is, they grant funds to applicants after the MCC has made an "initial grant" or allocation to a municipality. An LCC is composed of volunteers appointed by the community's chief elected official or board.

The purpose of the LCC is to support public projects that promote access, education, diversity, and excellence in the arts, humanities, and interpretive sciences in communities across the Commonwealth. Local decision making is an integral element of this system. LCCs have the right and responsibility to award grants that address cultural needs specific to their communities. LCC members decide how to distribute funds in accordance with LCC regulations and guidelines.

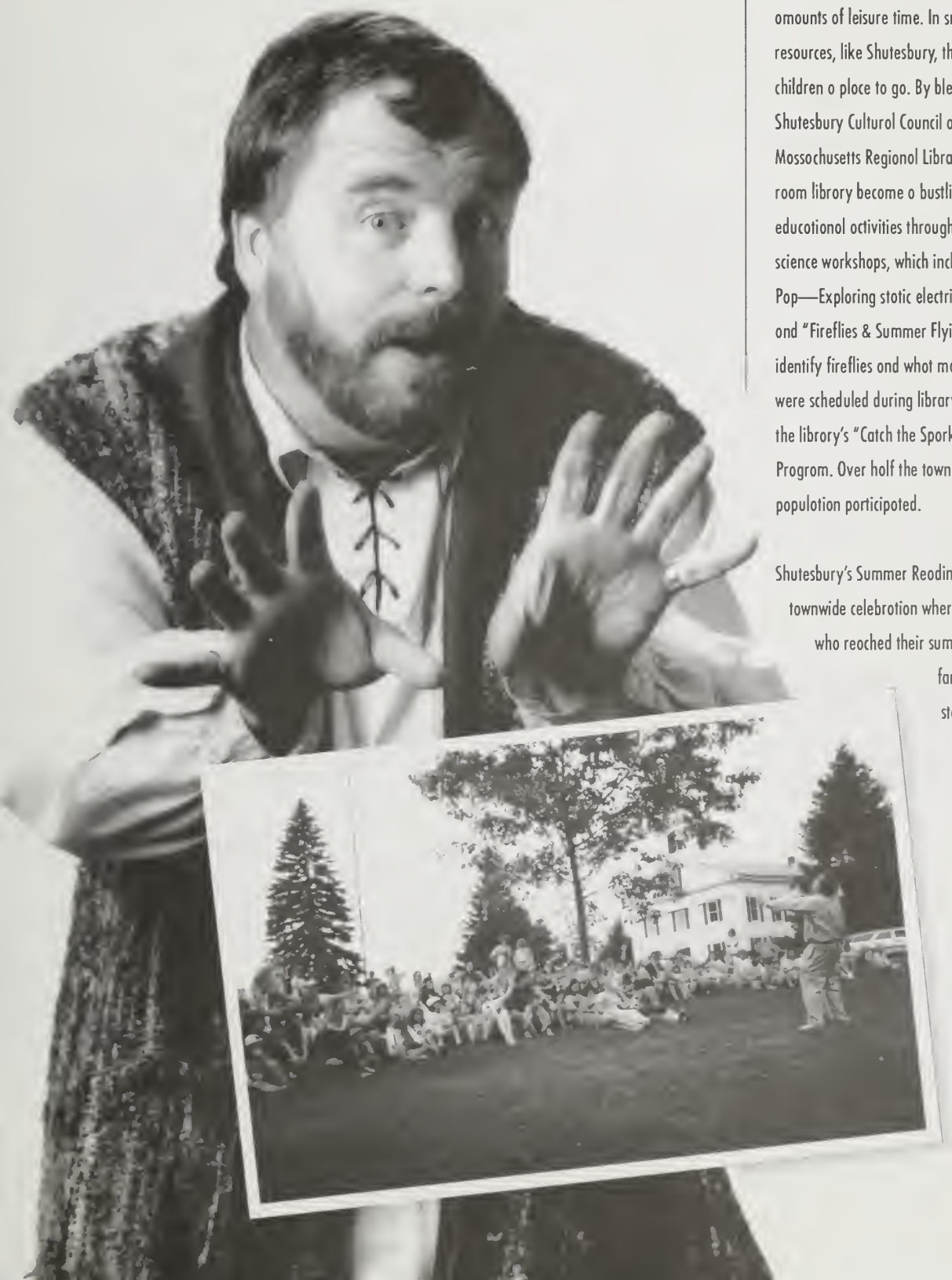
What is the Massachusetts Cultural Council?

The Local Cultural Council Program is one of several programs administered by the Massachusetts Cultural Council, a state agency. The mission of the Massachusetts Cultural Council is to promote excellence, access, education, and diversity in the arts, humanities, and interpretive sciences in order to improve the quality of life for all Massachusetts residents and to contribute to the economic vitality of our communities. The Massachusetts Cultural Council oversees the Local Cultural Council Program as a whole and has final approval on LCC grant decisions.

What is the source of funds for the Local Cultural Council Program?

The Local Cultural Council Program is funded by the Massachusetts Cultural Council. The MCC receives state funds solely from revenues generated by the Megabucks game conducted by the State Lottery Commission. These funds are allocated through the annual state appropriation process. In addition to these funds, the MCC receives funds from the National Endowment for the Arts and seeks other limited public and private funding.

[1] Cities and towns may join together to establish a regional council. Smaller towns may join together to make their allocation go further or join with a larger town or city to take advantage of its services. In a regional council, there must be at least one representative appointed from each community in the consortium. One town must agree to serve as the fiscal agent for the regional body, although this function may rotate periodically among towns. By forming a regional council, no single community loses money. Regional consortia must also be approved by the MCC. Generally, policies and procedures for the Local Cultural Council Program apply to both single town and regional cultural councils. (Local councils may consult the provisions of M.G.L. C.10, S.58).



Catch the Spark/ Science & Nature Programs

M.N. Speor Memoriol Library, Shutesbury

Summer is o seoson when most children have large omounts of leisure time. In smoll rurol towns with few resources, like Shutesbury, the locol library gives these children o ploce to go. By blending resources from the Shutesbury Culturol Council ond the Western Mossochusetts Regionol Library System, Shutesbury's one-room library become o bustling center for cultural ond educotionol octivities throughout the summer. A series of science workshops, which included "Crockle, Sporkle, Pop—Exploring stotic electricity in noture ond ourselves" ond "Fireflies & Summer Flying Lanterns—Leorning to identify fireflies ond whot mokes them spork," were scheduled during library hours to complement the library's "Catch the Spork" Summer Reading Progrom. Over holf the town's school-oge populotion porticipoted.

Shutesbury's Summer Reoding Pragram culminoted in o townwide celebrotion where over o hundred children who reoched their summer reading gools ond their families were regoled by storyteller, Tom McCobe.

Fall River Celebrates America Waterfront Festival

"This spectacular waterfront festival, which represents hundreds of haurs af planning, is living testimany ta what a cammunity can accamplish when everyane warks tagether. The spirit af valunteerism is indeed alive and well in Fall River!"

Barney Frank
United States Cangress

The Fall River Cultural Council helps ta fund and praduce the annual Fall River Celebrates America Waterfrant Festival, which is spansared by the Chamber af Cammerce and praduced in caaperatian with the mayar's affice, lacal businesses, city agencies and arganizatians, and aver ane thausand valunteers. Fall River's tenth annual Waterfrant Festival was visited by mare than half a millian peaple. The five-day, family-oriented festival included a Tall Ship parade, sailing regatta, concerts, fireworks, international faad fair, amusement rides, raad race, and parade.

In "Fall River Celebrates America," the Chamber has found an event that unites the community, while at the same time pramating a sense af pride and patriatism. Thraugh this event, the Chamber is able ta pramate taurism, cammunity spirit, and averall business develapment. It is a chance far visitars to see the Fall River waterfrant and the cammunity at its very best.

How is your municipality's allocation calculated?

The amount of money allocated to each community is determined by using a local aid formula. The formula is based on population and equalized property values in order to provide low-income communities with relatively larger allocations. There is no cash match required of the municipality in order to receive its annual allocation.

What are the key program dates and deadlines?

There is currently one funding cycle per year.

- In late August, the MCC notifies each local cultural council of its exact allocation for the coming year.
- October 15 is the statewide deadline for applications to be submitted by organizations or individual artists to local cultural councils.
- Between October 15 and December 15, LCCs review applications and forward recommendations for funding to the MCC for approval.
- The MCC approves or disapproves LCC recommendations, notifies LCCs, and transfers funds to cities and towns at the end of March.

Key dates and deadlines may change from year to year. Consult the chair of your LCC for specific information.

What are the mandatory duties of your local cultural council?

The LCC's primary responsibility is to regrant its annual allocation of funds. Funds may only be used to support programs in Massachusetts that have the primary purpose of relating to the arts, humanities, and interpretive sciences as defined below:

> ***Arts*** involve the creation, presentation, and preservation of, and education about, works in the performing, visual, media, folk, design, literary, and interdisciplinary arts.
>
> ***Humanities*** are branches of learning that deal with self-awareness, language, reason, creativity, human values, and aspirations, and the products of all of these. Examples of humanities disciplines include, but are not limited to: criticism, history, literature, social studies, and philosophy.
>
> ***Interpretive Sciences*** are activities that engage people of all ages in learning about nature, science, and technology in ways that connect directly to their lives. Activities conducted by the following organizations are eligible for support: aquariums, arboretums, botanical gardens, nature centers, natural history and anthropology museums, planetariums, and science and technology centers.

These definitions are intended to encompass the study, pursuit, performance, exhibition, and enjoyment of cultural and science activities in the broadest sense.

In support of its regranting function, the LCC has a number of mandatory duties:

- to solicit community input and assess local cultural needs [962 CMR 2.07 (2)];

- to establish priorities and guidelines for the review of local grant applications [962 CMR 2.07(3)];
- to communicate with the public about its activities [962 CMR 2.07 (4)];
- to review and recommend action on local applications [962 CMR 2.07 (5)];
- to report to the MCC [962 CMR 2.07 (6)];
- to carry out other necessary administrative functions [962 CMR 2.07 (7)]; and
- to comply with rules, rulings, guidelines, or regulations issued from time to time by the MCC.

How does the MCC assure an LCC's compliance with its duties?

An LCC must comply with its duties as specified in 962 CMR 2.00 to 2.10 and elsewhere in the MCC's Local Cultural Council Regulations and Guidelines.

In the partnership between state and local communities, the MCC relies on municipal officials and employees to help ensure the integrity of the Local Cultural Council Program by providing oversight and assistance to the LCC in the above areas. Sections 2.00 to 2.10 of 962 CMR are reprinted regularly in the LCC Program Guidelines. Guidelines are available from your LCC or the MCC.

If an LCC is found in noncompliance, the MCC may suspend all or a part of MCC funding for that LCC. The MCC may also specify corrective actions that the LCC must take before the LCC can begin to

An Intergenerational Video Expression: Cambridge Community Television Summer Video Institute

The Combridge Community Television Summer Video Institute, now in its fifth yeor, provides local youth with troining in video production planning ond equipment use, olong with on opportunity to explore different segments of the community in which they live. A colloborotive effort with the Moyor's Youth Summer Employment Progrom, the project wos funded by the Combridge Culturol Council, corporote donotions, government gronts, ond in-kind contributions.

This yeor the Video Institute project took o look ot issues foced by the city's elderly, fostering on intergenerotionol relotionship between the youth ond elders of Combridge. On the focing poge, Institute porticipont Devon Reddick interviews o visitor to the Senior Center while Sondro Limo ond Dovid Butler edit footoge from the Senior Picnic.

receive funds again. If an LCC fails to take corrective action specified by the MCC, the MCC may redistribute any funds allocated to that LCC.

What basic state grantmaking criteria must LCCs follow?

Public benefit: The purpose of the LCC funding program is to support activities that contribute to the cultural vitality and well-being of the whole community. A public benefit must be demonstrated in all LCC programs. Individual artists, humanists, and interpretive scientists are eligible to apply for funding and may request funds to cover their fees. But they must have a public benefit component in their projects, such as exhibits, demonstrations, readings, etc. LCC funds may *not* be used to the sole or exclusive benefit of an individual.

Nonsubstitution: LCC funds must *not* replace public funding of programs in the arts, humanities, or interpretive sciences. This applies especially to proposals from public institutions, such as schools and libraries, which are already or should be an integral part of a community's budget. The MCC will not approve local funding of such expenditures as school plays, musicals, bands or newspapers, library books or salaries for teachers or librarians.

Nondependency: LCC funds are not intended to be used as the sole source of funding for projects of a continuing nature. LCCs may formulate policies regarding a requirement of matching funding from other sources.

Cultural Access: LCCs may not discriminate against applicants on the basis of race, sex, religion, creed, color, national origin, disability, sexual orientation, or age, nor may they fund projects that discriminate on the basis of these attributes. The MCC and LCCs are committed to access not only as a matter of state and federal laws but also as a policy designed to encourage the participation of all segments of the Commonwealth's population in MCC-funded programs. LCC-funded organizations and LCCs which themselves present programs must make reasonable accommodations to ensure that people with disabilities have equal physical and communications access, in accordance with state and federal laws.

Capital expenditures: Grant requests for capital expenditures (to acquire, improve, or maintain facilities or equipment) must demonstrate a cultural purpose, be for a one-time or special need, and be clearly justified by some longer-term public benefit. Applicants must demonstrate a 2:1 match (the applicant must show that it has $2 for every $1 requested from the LCC). Schools and religious institutions are *ineligible* for capital expenditures, even if the purpose is a cultural one.

Scholarships: Cultural organizations may apply for LCC funds to support scholarships for individuals to pursue some form of study in the arts, humanities, or interpretive sciences. Organizations need to ensure that there is some benefit to the community. Individuals may *not* apply directly to an LCC for scholarships.

How is the LCC accountable to local and state governments?

Local government reporting: LCCs are part of local government. Therefore, municipal leaders must inform the LCC of standard reporting expected of town committees. This may, for example, include the filing of an annual committee report and regular submission of meeting minutes to the appropriate municipal record keeper.

Compliance with local ordinance or bylaws and established procedures: The all-volunteer cultural council must count on municipal leaders to inform them of local ordinances or bylaws and established procedures relevant to the LCC's activities or to grantees' activities. Examples might include posting meetings, procurement laws, ADA transition plans, etc. The LCC should act in compliance with these.

Open meeting requirements: Under Massachusetts law, meetings of a local "government body," including an LCC, must be open to the public (M.G.L.c.39, ss23A-C) and held in a physically accessible, public facility. Meetings must be posted 48 hours in advance. The municipality should inform and give the LCC a copy of the Open Meeting Law for relevant detail.

Conflict of interest: LCC members are considered "special municipal employees" and are subject to the provisions of the Massachusetts Conflict of Interest Law, M.G.L. 268A. (This is discussed in further detail under LCC Membership.)

Recordkeeping: LCCs are required to keep records of finances and of all grants activities for potential audits and as public record. (For more information, see the section titled Financial and Administrative Recordkeeping.)

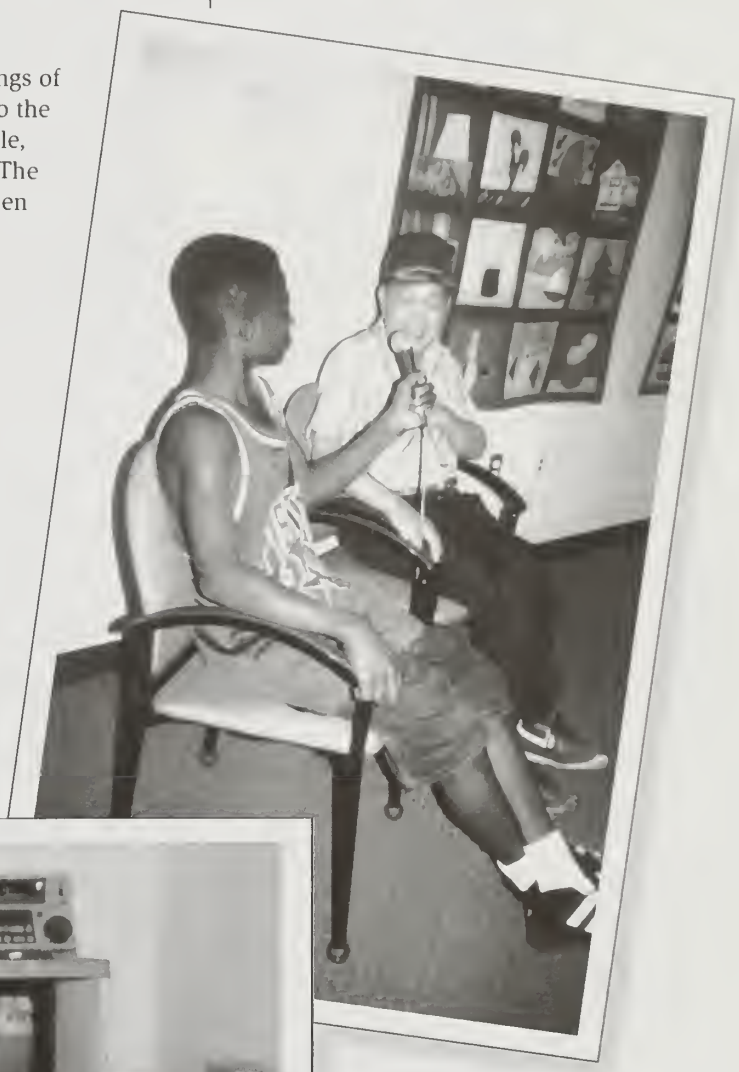


Photo: Andy Blum

"Under the Elms" Mural, Pittsfield

The Berkshire Artisons Public Murol teom has been grocing the streets of downtown Pittsfield with the creotion ond restorotian af outdoor murols since 1985, assisted in port by LCC funding. Feoturing scenes of contemparory ond historic small-town life, the murals hove emplayed mony locol ortists ond hove provided numerous Pittsfield residents with the thrill of being immartalized os subjects in the paintings.

"Under the Elms" wos pointed on the former Pittsfield Senior Citizens Center and depicts Pittsfield's Park Squore os it looked in 1947, when most of Pittsfield's seniors were in their prime.

Local Cultural Council Membership

As its partner at the local level, the MCC relies on local officials to constitute volunteer councils who can effectively carry out the goals of the program and thereby serve the local community in the best way possible.

Who makes appointments?

Members must be appointed by the top appointing official(s) in the community (i.e., the mayor, city manager, board of selectmen, or executive officer). All appointments must be recorded by the city or town clerk. A list of members must be sent to the MCC as changes are made in LCC membership.

What are the guidelines for appointing members?

Numbers: LCCs consist of at least five but no more than twenty-two *volunteer* members. Appointing more than the minimum required five members is advisable in order to achieve the diversity of knowledge, interests, and backgrounds that will translate to strong community representation. A larger body also helps to share the work load and ensures that councils can still function effectively in case of absences or vacancies.

Length of term and term limits: The term of membership for a council member is three years. Members can serve a maximum of two consecutive terms, or a total of six years. They must remain off the council for a one-year interval before serving additional terms. Each council must annually elect a chair, secretary, and treasurer. In addition, the terms of individual council members should be staggered; there should never be 100 percent turnover of members in a single year unless the MCC determines otherwise, as provided in 962 CMR 2.10. Local councils may also elect to designate former officers or members as nonvoting, *ex officio* council members to ensure continuity.

What qualifications should the appointing authority look for in identifying new LCC members?

Through the appointment of diverse, qualified, and committed citizens, the local authority ensures that the community has fair access to public funds through its LCC. Council members should bring:

Relevant knowledge and interests: Artists, humanists, interpretive scientists, educators (see page 6 for definitions);

Diversity: Different racial, ethnic, economic perspectives and backgrounds, differing abilities, balance of men and women and age groups; and

Ability to commit time: Prospective members should be clearly informed about the amount of time they must commit to participate fully in the grant review process and be willing to be involved in other duties particular to the LCC's work.

Some particular membership guidelines follow:

- If two or more towns wish to form a regional council, there must be at least one representative appointed from each community in the consortium.

Some Suggestions for the Recruitment of Local Cultural Council Members:

- Keep a file of names—LCC recommendations, past applicants, people in the news, etc.
- Announce in the media using press releases, notices, and help wanted sections.
- Use public service announcements and explore talk show formats for radio and local access television.
- Hold an information meeting announced in the local media.
- Give notice at town meeting.
- Put notices in chamber of commerce and other civic and community newsletters.
- Use speaking engagements to inform a range of community agencies and groups such as: schools and PTOs; colleges; ethnic, religious, conservation, tourism, senior citizen, and culturally specific organizations, and agencies representing people with disabilities, etc.

- State guidelines do not require that LCC members live in the town on whose council they serve. Some cities and towns, however, choose to have local residency requirements.

How can the LCC help find new members?

Ultimately the authority is with the local official to make appointments; however, local officials often collaborate with the LCC to help identify and recruit prospective new members. Conferring with the LCC about individuals under consideration before making appointments ensures that new members complement the diversity and balance of current council members.

Candidates for LCCs should understand fully what their LCC is and does, and what is expected of members throughout the year. It is advisable for LCCs to meet with prospective candidates to discuss the LCC and explain the responsibilities of membership. Attending a meeting of the LCC is one good way to become familiar.

Can members be appointed to the LCC who may have a conflict of interest during the grantmaking process?

An LCC member is allowed by state guidelines to be affiliated with an organization applying for funds. However, there is a requirement for members to disclose potential conflicts. New and returning members should be asked to outline affiliations or activities with respect to the cultural life in the community and any potential conflicts on a municipal disclosure form.

Members are considered "special municipal employees" and are subject to the provisions of the Massachusetts Conflict of Interest Law, M.G.L. 268A. Members of LCCs must avoid real and apparent conflicts between their private interests and public council duties. Elected public officials cannot serve as council members according to 962 CMR 2.04.

Grantmaking: The member may not participate in the review of or decision about an application in which he or she has a personal financial stake, or in matters affecting the financial interests of others with whom s/he is closely related.

The Magic of First Night Captured in Boston's Magnificent Ice Sculptures

First Night Celebrations, now common in cities throughout the notion, begon in Boston over twenty years ogo. As o fomily oriented, olcohol-free celebrotion of the creotivity and culturol diversity of Boston's citizenry, First Night Boston is o unique meons of building community by bringing citizens from Boston's neighborhoods together with out-of-town visitors, in the heort of the city, where oll con ring in the New Yeor together. With the help of LCC funding, many communities throughout Massochusetts ore now sponsoring their own First Night celebrotions.

Photo: Mary Kocol

Community Pride Walkway Children's Art Monument

LCC funding enobled the community of Wotertown to begin plonning ond fundroising octivities for the creotion of the Community Pride Wolkwoy, under the direction of public ortist, "Sidewolk Som." Creotion of the concrete walkwoy will involve citizens, business leoders, ond educotors, ond enoble thousonds of Wotertown's children to participote. The progrom will creote o permonent monument — on ortistic concrete wolkwoy in o public spoce, expressing the pride of Wotertown residents in their community ond conveying the spirit of their children well into the next century.

The Community Pride Wolkwoy will toke shope os eoch child creotes o personol ortwork in o colored "potio block" of wet concrete.

Grant receipt: Each LCC may make its own rules regarding funding council members. If an LCC member might derive financial gain from a grant—for example, an artist-member of the LCC applies for funds to conduct a residency at a community organization—the member is required to apply for an interest exemption. It must be approved by and voted on by the local legislative body and then certified by the town clerk. Ideally, this action should be completed before submitting an application. Action must be completed before a vote is taken on the application.

If there are questions about conflict of interest, the MCC's staff is a resource, as is the city or town counsel. If more than one-third of an LCC's members would have to refrain from voting on a particular application, contact the MCC.

Is there any legal mechanism for removing an LCC member before his/her term expires?

Generally, this is a matter for local resolution. The local appointing authority may remove a member before the expiration of a term as provided in 962 CMR 2.10. Municipal policies and procedures for appointed town committees should also be consulted. Under extraordinary circumstances, when, for example, a council member is violating policy or procedure, MCC staff should be called to advise. If an LCC appears unable to comply not only with its duties but also with corrective actions specified by the MCC, then the MCC may determine that a partial or complete change in the membership of the LCC may be in order. In extraordinary cases, the MCC may authorize the local appointing authority to remove a member from the LCC and appoint a new member. When the MCC finds an LCC has not adequately complied with its duties, the MCC may suspend all or a part of MCC funding for that LCC.

Management of Local Cultural Council Funds

How are the state funds managed at the local level?

As a local partner in the Local Cultural Council Program, the MCC relies on the professional expertise and oversight of municipal financial officers to ensure that:

- LCC money is handled in compliance with MCC guidelines;
- grantees are paid as quickly and efficiently as possible; and
- incoming, outgoing, and funds carried over are appropriately tracked and documented as to how they are used.

There are three kinds of money which LCCs use:

1. MCC distributed state funds (These include unspent money from previously approved grants; see page 17.);
2. interest earned; and
3. additional dollars raised locally.

The LCC must keep *all* these funds in separate, interest-bearing revolving account(s) administered by the municipal treasurer. Separate checkbooks or nonmunicipal accounts are not allowed. Because different rules apply to each of the above three kinds of money, ideally, a *separate* interest-bearing revolving account should be set up for each type. At the very least, the municipal treasurer should be able to track these moneys separately on paper.

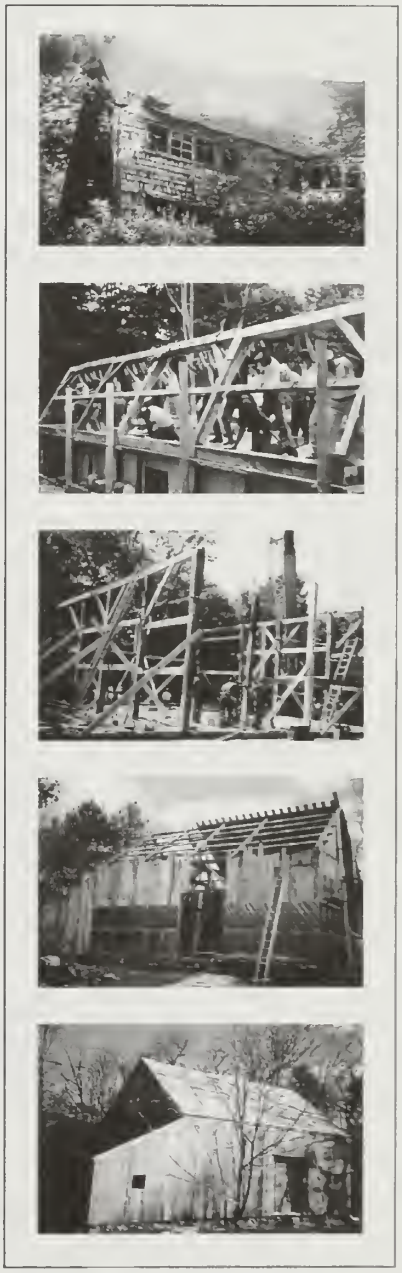
Councils are entitled to interest on their accounts and to regular financial reports from the municipality. LCC funds may be spent as the local council directs and may be accessed only by the process used by the municipal treasurer and/or accountant's office for the expenditure of public funds. These officials should help the LCC to understand how the city or town's disbursement process works.

With the goal being to disburse funds as quickly and easily as possible to grantees, the town treasurer and/or accountant should meet annually with the LCC chair and/or LCC treasurer to establish a working relationship and review the procedures for reimbursing grant recipients. Periodically, the LCC should review accounting reports to verify balance and interest earned, and any other important information that will help all parties carry out financial activities effectively.

Managing LCC finances is a year-round process. Certain activities happen seasonally (receipt of funds from the state, year-end accounting and reporting); however, municipal treasurers make payments to grantees and review financials with the LCC on a year-round basis.

"Barn Raising" in Topsfield

The restoration of the Captain Joseph Gould Barn, a project of the Topsfield Historical Society, was supported by the Topsfield Cultural Council. The restored eighteenth century barn will provide a home for many historic artifacts and a meeting place for community gatherings and education programs. This "barn raising" project is engaging many community volunteers.



"The Somerville Arts Council supports the city's professional artists and ensures that the arts are accessible to all Somerville residents. The fact that artists live and work here in Somerville does a great deal to enhance the quality of community life. Who knows, one of our neighbors may be writing a prizewinning novel or exhibiting photographs at the Museum of Fine Arts. Our Arts Council programs connect artists with their neighbors and present artwork to the community in a variety of forms. As a result, art becomes a part of daily life and opportunities become available for people who don't consider themselves creative. Something like the Garden Awards, for example, reveals the artwork already in our backyards. The Arts Council brings many different kinds of people together to discover each other and to celebrate their creativity."

Michael E. Capuano
Mayor of Somerville

What is the procedure for paying out funds to grantees?

State funds are transferred to the municipality—Once a year, funds are disbursed from the MCC to the LCC as follows:

- LCC approves grant applications, gets MCC approval, then notifies grant recipients.
- MCC wires or mails grant funds to the municipal treasurer, typically in late March.
- Upon receipt, the municipal treasurer deposits funds in a separate, interest-bearing account.
- Municipal treasurer should notify the municipal accountant and LCC treasurer of receipt of funds (usually by sending a copy of the check).
- Municipal accountant posts receipt in municipal account ledger.
- LCC treasurer should post receipt in the LCC's account ledger.

If one or more grants are denied approval at the state level, the LCC is given the option to use those funds in that funding cycle by increasing grant allocations to other previously approved grants. If they do not choose to do this, the MCC retains these funds. The LCC cannot retain them nor can the MCC hold over funds at the state level for an LCC.

Municipalities pay funds to grantees—The process of making payments to grantees happens throughout the year as grantees incur expenses and request reimbursement. The procedure is as follows:

- Grant recipients send standardized Payment Request Forms/invoices (available from the LCC) and receipts to the LCC treasurer for reimbursement of expenses incurred.
- LCC reviews and approves Payment Request Forms.
- LCC prepares Schedule of bills and submits to the municipal accountant for payment on warrant.

"Progress payments" (reimbursements made before the project is 100 percent complete) may be made at the discretion of the local council, but should be proportionate to the percentage of the project that has been completed.

- Municipal accountant verifies that sufficient funds are available to pay bills and puts them on the warrant for approval by the municipal authorizing official.
- Municipal authorizing official approves the warrant and sends the signed warrant to the municipal treasurer.
- Municipal treasurer cuts checks and mails them.

Reimbursements may be made either directly to the grantee or directly to third-party vendors who have provided goods, materials, or services to the applicant.

- Municipal treasurer submits monthly or quarterly updates on revolving account activity to the accountant and LCC treasurer.

As with all use of state funds, the municipal financial officers are responsible to ensure that a paper trail is created including receipts, invoices, etc. and retained in LCC records in case of future audit. LCCs should keep paper files for five years and then they should be archived with the municipality's public records.

What happens to interest earned on state funds and on funds raised locally?

Funds earned from interest on state funds or those raised locally can be spent at the discretion of the local council, but only to support the arts, humanities, and interpretive sciences. Unlike funds distributed to the LCC from the MCC, prior MCC approval for expenditure is not required. However, the use of such local funds must be reported to the MCC along with applications for state funding.

What happens to funds that are returned, unspent, or carried over in a fiscal year?

Unspent funds accrue for various reasons, typically because previously-approved projects were completed for less than the amount awarded or not completed at all.

The Somerville Garden Awards

The Somerville Arts Council storted the Somerville Gorden Awords in 1990 to celebrote the ortistry of local gordeners ond to recognize the contributions their corefully cultivoted spoces moke to our urbon environment. This unique gorden contest hos become one of the city's best loved troditions. Every yeor, people nominote friends, fomily, ond neighbors for on oword. A committee of locol ortists, photogrophers ond gordeners select twelve winners, who ore then interviewed ond photogrophed for o speciol exhibition. Viewed together, the pictures ond stories of these individuols offer o wonderful portroit of the city ot its best: diverse, resourceful, generous, coring, ond creotive. Mony of the gordeners hove "tronsplonted" the culturol troditions of their notive countries—including Itoly, Greece, Portugol, the Azores, ond Chino. For others, gordening is o recent discovery, which offers o profound woy to connect with the cycles of noture or express their own creotivity while tronsforming the world oround them.

Phota: Kay Canavino
Garden Award Winner Peter Murray

Neighborhood Banner Project

The 1986 Neighbarhaad Banner Praject,celebrating the city's 350th birthday, was initioted by neighbarhaad representatives and artist Susan Bass. Funded by the Springfield Arts Lattery Council, it is a prime example af cammunity spirit fram all af Springfield's eighteen neighbarhaads. Approximately twa hundred residents warked faurteen hundred valunteer hours, designing neighbarhaad identifiers and painting eighteen 4' x 24' banners. Originally scheduled ta be installed an Springfield's municipal buildings for ten days during the festivities, the banners were sa well received that they served as adarnment far eighteen manths. This project crassed all sacioecanamic, racial, and religiaus barriers, bringing tagether residents wha might nat have ever warked together otherwise. In the end, the banners were returned ta their respective areas far neighbarhaad use, and this project went on ta receive a natianal Neighborhaad af the Year Award, spansared by Neighborhoods, U.S.A.

In addition, an LCC may, at its own discretion, approve a reasonable extension of time to a grant recipient for long-range projects, such as public art. Communication is key in these cases. Both the LCC and the municipal treasurer or accountant should monitor the LCC account on a regular basis. *There should be clear accounting of how carryover funds are earmarked.*

Generally, grantees have one year *after final notification* of an award to spend that award. An LCC has the flexibility to stipulate a twelve-month project period for its grantees which may begin at a different point in time than when grantees are finally notified of their award. For example, an LCC might wish to start the twelve-month period at the beginning of its fiscal year. Whatever timeline is stipulated, it should be explicitly communicated in the LCC's application guidelines and other materials to grantees.

An LCC may not accumulate unused state funds at the local level. Unspent state funds from prior fiscal years must be accounted for, reported to the MCC, and regranted in the next available funding cycle stipulated by the timeline set forth by the MCC.

In summary, if the original source of the funds is the MCC, the LCC must use the MCC process and timeline for redistributing these funds. Grants made from unspent state funds must also be reviewed and approved by the MCC.

Are any funds available to the LCC for administration?

Yes. Local councils may use up to 5 percent of their state allotment each funding cycle for council administrative expenses such as paid staff, postage, printing, publicity, phone, and photocopying. Many municipalities provide administrative support and resources to their LCC, which allows the 5 percent to be used for regranting.

Councils may also use any interest earned on their state allotment or funds derived from sources other than the state allocation for administrative expenses, without being subject to any such percentage limit.

The use of the 5 percent is determined by the LCC. Local council members cannot receive compensation, but can receive reimbursement for expenses. Services of the municipal accounting department are considered a way for the town or city to match state funds and cannot be paid for from the 5 percent.

Financial and Administrative Recordkeeping

Ultimately, it is the municipality's responsibility to maintain and make public records available. The MCC may arrange for periodic audits of a local council's records, in particular the applications received, approved, or rejected, and their accompanying documentation. The MCC may also occasionally audit the payment requests submitted by grantees.

What recordkeeping and reporting is required of the town and the LCC?

Records: All applications (approved and disapproved), minutes of meetings, correspondence with MCC, applicants, the town, etc., and

other records of local councils are considered public record and should be maintained in a public place for at least five years. If the LCC itself lacks a suitable office space, current year records are sometimes, by necessity, housed in the home of an LCC member. If this is the case, municipal officials should be apprised of where current records are kept. The LCC must make records available without unreasonable delay and within a maximum of ten days, in accordance with state rules about access to public records. Permanent records that are completed should be kept in a secure spot identified by the city or town clerk and treated according to standard archival procedures.

Reports: The following documents must be submitted to the MCC by the LCC each year:

- a summary report on distribution of funds, along with copies of approved applications;
- a summary of the annual community input meeting; and
- the names, addresses, and telephone numbers of local council members and their appointment dates.

This information can form the basis for the LCC's annual report.

Addressing Issues

What happens if there are grievances about the decisions or actions of the LCC?

Grant application reconsideration: The MCC has established a formal reconsideration process for an LCC to follow if an applicant who is denied funding wishes to challenge the decision. If an applicant feels that his/her application was denied because the LCC did not follow published state and/or local guidelines, a request for reconsideration can be submitted. The process is described in the LCC guidelines and is administered by the LCC. The LCC is required to document its reasons for denying funds as standard procedure in the grant review process. LCCs must give fifteen days for applicants to request reconsideration.

Other issues: If the LCC is unable to resolve problems or if a controversy arises around an LCC-funded project, members should ask the MCC for assistance. If a municipality has a problem with its LCC, it should also feel free to contact the MCC staff (617-727-3668 or 800-232-0960) or the city/town legal counsel.

Sharing Town Resources

In what other ways should a municipality support the work of its LCC?

Your LCC, as a part of local government, should be supported with the same access to basic resources afforded other government bodies.

Municipalities are expected to support the LCC with in-kind or reduced cost services and resources whenever possible.

Funding: A municipality may provide cash to support staff, program, or other expenses to enable the LCC to better serve the community.

Liaison: Many municipalities assign an official municipal liaison to the LCC. A select board, city council member, or other official might periodically attend LCC meetings, assist by providing access to other town officials when needed, help address issues, and, generally, be an advocate in helping the LCC do its work. Such a liaison can also promote the LCC as a participant in larger civic discussions.

Administrative resources: Along with the need for public meeting and filing space, the LCC benefits from access to a phone, computer, photocopier, and other office equipment. Many municipalities assume photocopying costs at free or significantly reduced rates through in-house services; municipal privileges are extended to cover mailing costs. Basic supplies can be offered at reduced or no cost through the town's procurement officer.

Staff support: The town clerk's office is often a distribution and/or drop-off point for application forms. Because an LCC is an all-volunteer body whose members may be working during the day, it can be of great service to the community to have a town phone number people can call regarding basic questions (e.g., deadlines, where to get application forms, etc.)

Publicity and promotion: In-house bulletins, newsletters, and other communication vehicles should be made available for routine and special announcements about LCC activities. Press mailing lists and contacts should be shared.

Program support: Some municipalities pitch in to assist councils in mounting special programs. For example, public works departments have assisted with trash removal, electrical wiring, or erecting banners for festivals; town engineers have helped ensure the structural soundness of outdoor public artworks, and police have helped with traffic control for an outdoor event.

In summary, the combined expertise and teamwork of the LCC and other town leaders can increase the impact of the LCC. The less administrative expenses the LCC must cover from its allocation, the more it can invest in the community's cultural programs.

Other Roles Beyond Regranting for Local Cultural Councils

Beyond grantmaking, what other kinds of activities are LCCs doing in their communities?

The primary responsibility of an LCC is described in the state guidelines as "regranting" state dollars allocated to its community. This is important work, and, for most councils, it is more than enough to keep them busy. However, some councils feel that, in order to meet community needs, they need to do more. LCCs have broad powers under the provisions of M.G.L. C.10, S.58. In addition to their regranting function, they may:

- raise funds from sources other than the state [962 CMR 2.08 (2)]; and
- initiate council-originated projects [962 CMR 2.08 (3)].

(See the section titled Management of Local Council Funds regarding appropriate management and tracking of funds raised from sources other than the state.)

For those councils that conduct activities beyond regranting, the most common activities are:

- programming and collaborations;
- information and services, including advocacy; and
- fundraising.

Programming: Many councils manage their own cultural programs. An LCC may itself initiate a cultural program that addresses community interests not met by other groups. This is called a "council-originated project." Some LCCs seek out partner organizations to develop projects that are then funded by the council. These may include festivals, exhibits, public art, and school programs. Due to conflict of interest laws, the MCC is the first formal level of review for council-originated projects.

Elton Braithwaite
Sculptor of the Forests

Jamaican-born sculptor Elton Braithwaite works and teaches the techniques of wood carving in his Granby studio. LCC grants from communities throughout western Massachusetts have enabled him to bring students into his studio to learn the craft of wood carving and to bring his portable workshop to libraries, museums, and schools throughout the area.

Photo:Fred LeBlanc, Daily Hampshire Gazette

"City government funds for our orts council are well spent. Visitors return to Northompton noting how much our grassroots orts octivity odds to our quolity of life. Through creotive productions, the Northompton Arts Council bridges mony sociol gops (young ond old, notive ond immigront, goy ond stroight). They help the non-profit orts groups leveroge different funding sources ond work in o cooperotive mode. Most of oll, they ore o smoll indicotion in our very utilitorion budget thot communities ultimately goin hope ond hoppiness not from povement ond cruisers but from cultivoting our highest humon copocities."

Mory Ford
Moyor of Northompton

Information and Services: In some communities there is already plenty of cultural activity, and the LCC receives many quality applications for programs that meet community needs. In these cases, a council could act as a resource center or clearinghouse, providing information and services that benefit cultural organizations, artists, and groups or individuals interested in learning about, sponsoring, or attending cultural activities. Specific services could include:

- a published community cultural events calendar;
- computerized mailing lists or printed directory of artists, humanists, interpretive scientists;
- workshops on program development, marketing, etc. for local groups; and
- coordination of networking and advocacy efforts.

Fundraising: The LCC may engage in fundraising. Often councils receive far more applications than can be funded with state funds alone, or they may need additional monies to sponsor special programs.

LCCs are encouraged to leverage funds from sources other than the state, such as private contributions, local government allocations, program revenues, and interest earned from the local account. To enhance the opportunity for donors to qualify their gift as deductible for federal income, gifts and estate tax purposes, funds received by gift to an LCC are considered to be donated to a political subdivision of the Commonwealth, exclusively for public purposes as defined in Section 170(c) of the Internal Revenue Code of the United States.

Must funds raised locally be distributed through the regular grantmaking system?

Monies earned from interest on state-distributed funds or those raised from other sources can be spent at the discretion of the local council but only to support the arts, humanities, and interpretive sciences. An LCC may hire an administrator to assist with council business using locally raised funds. (For information on handling of these funds, see the section titled Management of Local Council Funds.)

Other Resources

- ***Massachusetts Cultural Council staff***: The MCC staff in Boston is available to help answer policy or procedural questions and solve problems that might arise. Contact the Communities Department staff in Boston at 617-727-3668 or 800-232-0960.

- ***Local Cultural Council Regulations and Guidelines***: Guidelines are issued to LCCs regarding the most up-to-date information on statutes, regulations, and guidelines to be used in the conduct of LCC operations.

- ***Local Cultural Council Handbook***: A comprehensive technical assistance manual aimed to help members of LCCs do their work is also available. It focuses on all key aspects of council operations.

Academy of Music
Northampton, Massachusetts

Since 1993, the Northampton Arts Council has raised over $50,000 in funds for local cultural development. Funds have supported stage improvements to Northampton's Academy of Music, the sixth oldest opera house in the United States, and grants for individual artists' projects.

Photo: Julia Schmalz, Daily Hampshire Gazette

Credits:

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